

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

TAMMY KNIPP,

Plaintiff,

v.

CASE NO. 8:10-CV-1223-T-33EAJ

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

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REPORT AND RECOMMENDATION

Before the court is Plaintiff's **Affidavit of Indigency** (Dkt. 2), which this court construes as a request to proceed in forma pauperis, and Plaintiff's **Response to Order to Show Cause** (Dkt. 5).

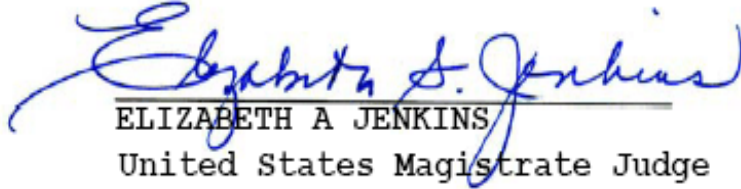
Title 42 U.S.C. § 405(g) provides that any action for judicial review of a final decision of the Commissioner of Social Security "shall be brought in the district court of the United States for the judicial district in which the plaintiff resides ..." 42 U.S.C. § 405(g) (emphasis added). Plaintiff's affidavit indicates that she is a resident of Philadelphia, Tennessee, which is located in Loudon County. Therefore, this case belongs in the United States District Court for the Eastern District of Tennessee. Although Plaintiff represents that the administrative law judge's decision denying her benefits was rendered in the Middle District of Florida and that she recently moved to Tennessee and has been unable to locate an attorney willing to represent her, the statute mandates that Plaintiff's action be brought in the judicial district where she resides. See 42 U.S.C. § 405(g).

Therefore, the undersigned **RECOMMENDS**:

- (1) Plaintiff's request to proceed in forma pauperis (Dkt. 2) be **DENIED**; and
- (2) Plaintiff's case be transferred to the Eastern District of Tennessee pursuant to 28

U.S.C. § 1404(a).

Dated: July 1, 2010


ELIZABETH A JENKINS
United States Magistrate Judge

NOTICE TO PARTIES

Failure to file written objections to the proposed findings and recommendations contained in this report within fourteen (14) days from the date of this service shall bar an aggrieved party from attaching the factual findings on appeal. See 28 U.S.C. 636(b)(1).